

EXHIBIT A

THIS FORM DEVELOPED BY:
Fred A. Morrison
McLin & Burnsed P.A.
FILLED IN BY:
Bill Wiley, AICP
Community Development Director
City of Leesburg

Annexation

(Recyclable 100, Inc)

RESERVED FOR RECORDING

THIS AGREEMENT entered into as of the 7th day of March, 2011, between **THE CITY OF LEESBURG, FLORIDA**, P.O. Box 490630, Leesburg, Florida 34749-0630, hereafter referred to as the "City," and Recyclable 100, Inc whose address is 1616 South 14th Street Leesburg FL 34748 hereafter referred to as the "Developer,".

WITNESSETH:

That Developer owns the real property legally described on Exhibit "B" attached, and has applied to annex that property (hereafter referred to as the "Property") into the City. The parties have entered into this Agreement to set forth certain understandings between them regarding how the Property is to be developed, and which party will be responsible for various expenses connected to the use and development of the Property, if it is annexed into the City and subsequently developed.

NOW THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and of the consideration being given by the City to annexation of the Property into its municipal limits, as well as other good and valuable considerations, receipt whereof is hereby acknowledged, the parties do hereby agree as set forth below:

1. To incorporate Exhibit "C" Recyclable 100, Inc, PUD (Planned Unit Development) Agreement dated February 17, 2011, or as maybe subsequently amended, in to this Annexation Agreement.

2. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of the following utility infrastructure and other improvements related to the use and development of the Property, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction. Developer shall dedicate on the plat, or otherwise grant to the City, free of liens or encumbrances other than those which are duly subordinated, easements for water, reuse water, and sewer lines and all other utilities mentioned herein, and shall upon approval of the lines by the City, convey title to all utility lines and related infrastructure (such as, but not limited to lift stations) to the City by deed, bill of sale or other appropriate document. The City shall not be obligated to accept for maintenance any utility lines, roads or other items constructed by the Developer which do not meet the specifications and requirements pertaining thereto as set forth in applicable laws, rules and regulations in effect at the time of construction.

- A. All interior roads, together with such turning lanes, acceleration and deceleration lanes, traffic signals, signs, striping, and other road improvements, on site or off site, as are necessary to the efficient handling of the traffic to be generated by the proposed development of the Property, and to meet the concurrency requirements imposed by law. Roads and other public thoroughfares within the Property shall be dedicated to the public on the plat or in some other manner, unless Developer desires and intends that the roads remain private, in which case the plat, recorded restrictions or other appropriate documents shall contain notice to all purchasers of land within the Development that they, and not the City, will be responsible for maintenance of the roads.
- B. All supply lines for potable water service to each residential, commercial or industrial unit constructed on the Property. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's potable water system at the nearest location where there is a supply line of sufficient size to serve the needs of the proposed development.
- C. Separate water supply lines to carry treated wastewater ("Reuse Water") to be utilized for irrigation and other purposes for which the use of Reuse Water is approved by applicable laws, rules and regulations. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's reuse water system at the nearest location where there is a supply line of sufficient size to serve the needs of the proposed development.
- D. Natural gas lines to supply each structure constructed on the Property with natural gas. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's natural gas supply system at the nearest location where there is a supply line of sufficient size to serve the needs of the proposed development. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development.
- E. Wastewater lines and any necessary lift stations to convey wastewater from each structure on the Property to the City's wastewater treatment system. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's wastewater treatment system at the nearest location where there is a collection line of sufficient size to serve the needs of the proposed development.
- F. Electrical transmission lines shall be placed underground to serve each structure on the Property. If the Property is not within the City's electrical service area, the requirement to convey the electrical supply lines to the City shall not apply, however Developer shall still be required to dedicate easements sufficient in size and location for the placement, maintenance, repair, upgrade and improvement of the electrical supply system by the utility in whose service area the Property is located.
- G. Fiber optic cables to serve each structure constructed on the Property with data and other services capable of transmission over such lines. Provided, however, this requirement is only applicable if the City's fiber optic cable

system is available adjacent to the Property at the time of construction/improvement plan approval by the City.

- H. If in its discretion the City desires to have any of the foregoing utility lines oversized for any reason, such as but not limited to serving future development, it may require Developer to install the oversized lines but the City shall pay the difference in cost between the lines which would have been adequate to serve the Property, and the cost of the oversized lines required by the City.

3. At the time of building permit approval, or other time as specified by City or Lake County ordinance, Developer shall pay all applicable impact fees, connection charges, or other legally adopted fees and costs required by the City or Lake County.

4. Nothing in this Annexation Agreement shall be construed to exempt the Developer or the Property from any requirements imposed by the City code or other applicable laws, rules and regulations regarding any permits or approvals necessary for the anticipated development of the Property, including but not limited to, platting, building permits, zoning or conditional use permits or amendments to the Future Land Use Element of the Comprehensive Plan as required for the uses to which Developer proposes to put the Property, site plan approvals, or other permitting requirements imposed by local, state or federal government, or any agency thereof.

5. Developer understands and acknowledges that by entering into this Annexation Agreement, the City is not committing to approve any aspect of the proposed development of the Property, or to do any other act which requires public hearings or approval by the City Commission or other agency or body of the City such as the Planning Commission. All decisions regarding zoning, land use, permitting, and other such approvals, must be made by the body having jurisdiction over such decision under applicable law, and in accordance with all public hearing and participation requirements now or hereafter in effect. This Annexation Agreement shall not be effective, nor shall it be binding on either party, until such time as the Property has been duly annexed into the municipal limits of the City in accordance with all applicable requirements including notice to surrounding property owners and public hearings which are in accordance with Florida Statutes, and the City's Code of Ordinances. The City does not, by negotiation of this Annexation Agreement with the Developer, intend to commit itself to annex the Property, and shall not be obligated to do so. However, if the City denies Developer's petition to annex the Property into its municipal limits, this Annexation Agreement shall become void and of no force or effect once the decision of the City Commission to deny the petition to annex has become final and is no longer subject to appeal.

6. Venue for any action or proceeding arising under this Annexation Agreement shall be in Lake County, Florida. This Annexation Agreement shall be construed in accordance with the laws of Florida. In the event of any litigation arising under this Annexation Agreement, the prevailing party shall be entitled to recover its reasonable court costs and attorneys' fees at both the trial and appellate levels, in addition to any other relief obtained.

IN WITNESS WHEREOF, the parties have caused their duly authorized officers to set their hands and seals to this Annexation Agreement.

WITNESSES:

Mark Edwards

Mark Edwards

Type or print name of witness

Brenda Grubb

Brenda Grubb

Type or print name of witness

DEVELOPER:

BY: Gary L. Jones

Jones, Gary L., Registered Agent
Recyclable 100, Inc.



STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, Jones, Gary L., Registered Agent, Recyclable 100, Inc., personally appeared before me and acknowledged on the 7th day of March, 2011, that he executed the foregoing instrument in said capacity. He is {CHECK ONE} ☒ personally known to me, or else who ☐ produced _____ as identification.

Sheila K. Henderson
NOTARY PUBLIC

Sheila K. Henderson
Type or print name of Notary

DD 883719
Commission Number

October 26, 2012
Commission Expiration Date

BY: _____
MAYOR

Attest: _____
CITY CLERK

Approved as to form and content:

CITY ATTORNEY

**STATE OF FLORIDA
COUNTY OF LAKE**

BEFORE ME, the undersigned Notary Public, personally appeared _____
_____, as Mayor, and _____, as City Clerk,
who appeared personally before me and acknowledged on the _____ day of _____
_____, 2011, that they executed the foregoing instrument on behalf of the CITY OF LEESBURG,
FLORIDA, and who were either {CHECK ONE} ☐ personally known to me, or else who ☐
produced _____
as identification.

NOTARY PUBLIC

Commission Number

Type or print name of Notary

Commission Expiration Date

PROPOSED DESCRIPTIONS

PARCEL "A"

The South 400 feet of the North 1,024 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 20 South, Range 24 East, Lake County, Florida, less the West 150.34 feet thereof, and less any part thereof lying in the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 22, EXCEPT road right-of-way recorded in O.R. Book 922, page 861, Public Records of Lake County, Florida.

PARCEL "B"

The West 150.34 feet of the South 400 feet of the North 1,024 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 20 South, Range 24 East, Lake County, Florida.

Alternate Key #'s: 3799597 and 1035341

RECYCLABLE 100, INC.
PLANNED DEVELOPMENT CONDITIONS
January 20, 2011
Revised February 17, 2011

These Planned Development Conditions for a PUD (Planned Unit Development) District are granted by the City of Leesburg Planning Commission, Lake County, Florida to Recyclable 100, Inc., "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Development Process" of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" has submitted an application requesting a PUD (Planned Unit Development) zoning district to permit industrial uses on an approximately 11.37 acres site within the City of Leesburg in accordance with their Planned Development application and supplemental information.

1. PERMISSION

Permission is hereby granted to Recyclable 100, Inc. to operate and maintain a PUD (Planned Unit Development) in and on real property in the City of Leesburg. The property is generally located on the west side of Haywood Worm Farm Road, south of Rogers Industrial Park Road and north of Arlington Ridge Subdivision. The property is more particularly described as shown in the attached legal description below.

2. LEGAL DESCRIPTION

See attached legal Exhibit B

3. LAND USES

The above-described property shall be used for PUD (Planned Unit Development) uses as limited herein, and City M-1 Industrial District uses as per Sec. 25-284 District Use Regulations pursuant to City of Leesburg development codes and standards.

A. Uses

- 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Plan (See Exhibit D) dated January 13, 2011.
- 2) Permitted Uses shall be as follows:
 - a. M-1 Industrial District uses (See Exhibit C)
 - b. Aggregate processing plant and associated uses.
 - b. Office uses in conjunction with aggregate processing plant..
 - c. Vehicular parking in conjunction with the above uses.
- 3) Uses prohibited shall be as follows:
 - a. All other uses not specifically permitted by reference herein.

B. Area

The Impervious surface coverage for this site shall not exceed eighty (80) percent of the gross site area.

C. Open Space

A minimum of twenty (20) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.

4. SITE ACCESS

- A. Access to the property is currently available from the adjacent Haywood Worm Farm Road. With respect to the existing access point, if additional access is requested, approval shall be subject to the City of Leesburg Planned Development process.

5. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the PUD district except as amended by these conditions.
- B. All operations shall be carried on entirely within an enclosed structure, except as permitted under accessory uses of Section 25-284, City of Leesburg Code of Ordinances, as amended.
- C. Outdoor storage areas shall be completely screened from adjacent properties.
- D. Areas of property not occupied by structures or paving shall be grassed and landscaped and maintained in accordance with City of Leesburg Code of Ordinances, as amended.

6. PARKING

- A. The permittee shall construct off-street parking spaces within the development per the conceptual site plan, pursuant to the City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

7. WETLANDS

- A. Wetlands do not appear to exist on the site. However, should wetlands exist on the site, the following requirements shall apply. Prior to disturbance or development of any wetland area, the "Permittee" shall submit and receive approval from all affected governmental agencies to include, but not limited to, St. John's River Water Management District and the State of Florida Department of Environmental Regulation. Any notice of violation from any affected agency shall be cause for a cease and desist order on permits issued by the City of Leesburg until such time as the violation has been resolved with the appropriate agency(s).

8. DRAINAGE AND UTILITIES

- A. Prior to receiving Final Development Plan Approval, the "Permittee" shall submit, if applicable, a Master Site Drainage Plan and Utility Implementation Plan acceptable to the City of Leesburg. Prior to removal, renovation or demolition of any existing development on the site, the permittee shall provide:
- 1) A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties.
 - 2) A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.

9. TRANSPORTATION

- A. Development of the property requires a traffic review by the Lake-Sumter Metropolitan Planning Organization. A review of the transportation impacts of the proposed project was completed by Pamela Richmond, Project Manager, Lake-Sumter Metropolitan Planning Organization, in a Technical Memorandum Recyclable 100, Inc. Project dated January 13, 2011 (Exhibit F). The results determined that "A comparison of each segment's available capacity to the project trips assigned to each segment shows sufficient capacity exists to accommodate all traffic generated by this project and the project meets concurrency requirements." Therefore, the project meets the City of Leesburg transportation requirements as determined by the MPO.
- B. If future redevelopment of the property is desired, any transportation improvements including but not limited to signalization, signage or turn lanes shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application. All required transportation improvements shall comply with regulations of the City of Leesburg, Lake County, MPO and/or the Florida Department of Transportation, as applicable.

10. LANDSCAPING AND BUFFER REQUIREMENTS

- A. An open natural buffer area of approximately 175 foot width shall remain south of Phase 1 to the southern property line boundary of the property between the plant operations on the north half of the property and the adjacent Arlington Ridge subdivision on the south until development of Phase 2 (See E below).
- B. The buffer area along the southern boundary of Phase 1 shall contain existing canopy trees as well as four additional trees to be planted in the open areas between the existing trees. Trees shall be a minimum of six inch DBH and eighteen feet in height or 100 gallon whichever is larger.
- C. An eight foot high solid decorative PVC or fiber glass panel fence with decorative posts and caps as seen on Exhibit E shall be constructed along the southern boundary of Phase 1 as follows:
 - 1) Buffer shall be adjacent to the north boundary of the "open natural buffer area" and extend west 300 feet from the road to the existing tree line as seen on the attached site plan Exhibits D and E. This will provide a visual buffer from the adjacent residential Arlington Ridge subdivision property.
- D. The existing equipment stored in the buffer area will be removed by July 31, 2011
- E. As part of Phases 2 and 3 of the project, a fifty (50) foot wide vegetative landscaped buffer shall be required along the southern boundary of the project. The buffer shall retain existing healthy trees, shrubs and ground cover and shall include additional plantings where needed as provided in "G" below and per Exhibit D and E.
- F. In addition, as part of Phases 2 and 3, the development of the buffer shall include an eight (8) foot high solid decorative concrete wall with decorative posts and wall caps which matches the Arlington Ridge Subdivision wall design and colors, where feasible, and which meets the requirements of the Acoustical Consulting and Noise Control

Study shall be installed along the southern property line of the development as a visual buffer to adjacent residential properties (See Exhibit H). The exact location of the wall shall be determined after reviewing the location of existing trees that may be incorporated into the buffer area. The area between the wall and the property line shall remain in its natural vegetative state (existing trees, ground cover, vegetation etc.) and shall be protected during any construction. The remaining area between the wall and the project shall be landscaped per G. below

- G. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances except as provided under these conditions:
 - 1) For each fifty (50) linear feet, or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the Land Development Code.
 - a. Ten (10) canopy trees
 - b. Eight (8) ornamental trees
 - c. Thirty (30) shrubs
 - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
 - e. Existing vegetation in the required buffer shall be protected during construction.
 - f. New landscape trees shall be at a minimum of six inch DBH and eighteen feet in height or 100 gallon for canopy and 65 gallon for ornamental trees and shall be planted to meet buffer requirements.
 - 2) Existing vegetation in the required buffer shall be protected during any construction and given credit for landscaping requirements.
- H. Required fencing, walls and buffers shall be constructed as required for each Phase.
- I. Variations to the landscape requirements of the code may be approved by the Community Development Director as long as the intent of the PUD and the Landscaping Code are maintained.

11. MAINTENANCE

- A. With the exception of public utilities and sidewalks, maintenance of all site improvements, including but not limited to drives, internal sidewalks, landscaping and drainage shall be the responsibility of the owner.

12. OPERATIONAL REQUIREMENTS

- A. The applicant shall not, in the course of conducting any commercial or industrial activity, make or cause to be made a noise//vibration/dust disturbance which disturbs, destroys, or endangers the comfort, health, peace, or safety of others within any residential districts. Without limitations, the commission of one or more of the acts enumerated in this paragraph shall be deemed a violation of this PUD Conditions.
- B. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances, and to the Acoustical Consulting and Noise Control study prepared by Quietly Making Noise, LLC as provide in Exhibits G and H.
- C. The operation of machinery or equipment involved in production including truck

noises and horns, backup beepers shall be restricted per these PUD Conditions if such operation produces excessive, unnecessary, unreasonably loud noise or disturbance, or any noise or disturbance which disturbs, destroys, or endangers the comfort, health, peace, or safety of others beyond the boundary of their property. Recurring formal written complaints received from multiple complainants in residential areas related to noise or other disturbances emanating from the operation shall be reviewed by City staff to determine compliance with PUD Conditions. If conditions are determined to be a violation, the owner shall have seven (7) days to demonstrate that adequate measures have been taken to alleviate the source of the disturbance which gave rise to the recurring complaints. If in the opinion of the Community Development Director, the disturbances have not been corrected, the owner will be scheduled for the next available Planning Commission meeting to determine the appropriate action necessary to alleviate the disturbance.

- D. The operation of machinery or equipment shall be restricted to the interior of buildings, except for the use of fork lifts etc. to receive and ship products from the production area.
- E. No activity including but not limited to loading and unloading, truck traffic, storage, fork lifts etc. shall occur in the buffer set back area, as described per Section 10. LANDSCAPING AND BUFFER REQUIREMENTS above and as depicted on the Conceptual Site Plan.
- F. Outside storage of materials shall be screened so they are not visible from rights-of-way or adjacent residential areas. Soil or aggregate type materials that can generate dust shall be located in three-sided walled enclosures that are a minimum of ten (10) feet in height. The opening of the enclosure shall not be visible from rights-of-way or adjacent residential areas. A dust study shall be required and approved by the City staff prior to the outside storage of materials to include but not limited to the following:
 - 1) All on-site travel ways and maneuvering lanes must be paved, watered, and swept as necessary to achieve maximum control of dust emissions.
 - 2) During operations, all stockpiles of materials with the potential of generating dust must be sprayed with water, oil or other solution meeting Best Management Practices, as necessary to achieve maximum control of particulate emissions.
 - 3) Measures to clean up spilled materials must begin within thirty (30) minutes of spillage to contain or dampen the material so those disturbances from wind, erosion and/or vehicle traffic are minimized.
- G. The operation of machinery or equipment involved in production including truck noises and horns, backup beepers etc. shall be restricted to between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday. Additional hours of operation may be approved as a Personal Appearance before the Planning Commission after one year of operation based on evidence during that year that operational requirements of this section have been complied with.

13. **MISCELLANEOUS CONDITIONS**

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,

improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.

- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in these PUD Conditions shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

14. CONCURRENCY

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

LEGAL DESCRIPTION

EXHIBIT B

PROPOSED DESCRIPTIONS

PARCEL "A"

The South 400 feet of the North 1,024 feet of the NE ¼ of the NE ¼ of Section 22, Township 20 South, Range 24 East, Lake County, Florida, less the West 150.34 feet thereof, and less any part thereof lying in the South ½ of the SE ¼ of NE ¼ of the NE ¼ of said Section 22, EXCEPT road right-of-way recorded in O.R. Book 922, page 861, Public Records of Lake County, Florida.

PARCEL "B"

The West 150.34 feet of the South 400 feet of the North 1,024 feet of the NE ¼ of the NE ¼ of Section 22, Township 20 South, Range 24 East, Lake County, Florida.

Sec. 25-284 - LEESBURG CODE - ZONING**Sec. 25-284. District use regulations.**

The following uses categories are not zoning districts. These categories group uses for regulatory purposes. The names of some use categories (for example "commercial" may be similar to names for zoning districts (such as "neighborhood commercial").

(1) *Approach to categorizing uses.* The use categories found in the use table are set forth in this section. Any use not specifically set forth in this section is expressly prohibited, unless the planning and zoning manager or designee determines that the use is similar to a permitted use in accordance with this section. Where such similar permitted use is subject to limited use standards or conditional use approval, the proposed use shall also be subject to such standards or approval.

(2) *Use table key--Types of uses.*

a. *Uses permitted by right (P).* A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations.

b. *Uses permitted as administrative limited uses (L).* An "L" indicates a use that will be permitted subject to the use limitations in section 25-339. L's are uses that require the approval of the planning and zoning manager and the conditions expressed in section 25-339. Administrative limited uses are subject to all other applicable requirements of these regulations, including the additional standards contained in section 25-339, except where expressly modified by the planning and zoning manager as part of the administrative limited use approval. A sign is required to be posted on property informing public of request for limited use. Request granted, granted with modifications, deferred for additional information, or denied by staff within ten (10) days if no written objections stating reasons for objections are received from interested parties. If written objection received, request is scheduled for consideration by planning commission's next scheduled meeting.

c. *Uses permitted as conditional uses (CU).* A "CU" indicates a use that is allowed only where approved as a conditional use by the city planning commission. Conditional uses are subject to all other applicable requirements of these regulations, including the additional standards contained in section 25-285, except where expressly modified by the commission as part of the conditional use approval.

d. *Uses not allowed.* A blank cell in the use table indicates that a use is not allowed in the respective district.

(3) *Use table.*

Uses with **red X's** are not permitted.

TABLE INSET:

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBD	PUD	M-1	RP	P	I
RESIDENTIAL USES																
Household Living	Single-family detached	P	P	P	P	P	P	P	P	P	L	P		P	P	
	Single-family detached with Agricultural uses	L										P				
	Duplex				P	P	P	P	P	P	L	P		P	P	
	Triplex				P	P	P	P	P	P	L	P		P	P	
	Multifamily				CU	P	CU	CU	P	P	L	P		P	P	
	Manufactured home park / subdivision					CU						P			CU	
	Mobile Home					L						L			L	
	Guest House	L	L	L	L	L						P			CU	
	Security Guard Residence	L	L	L	L	L	L	L	L	P	L	P	P	P	P	
	Short term rental					L	P	P	P	P	P	P	L	L	CU	
	Live-work unit						L	L	L	P	L	P	L	P	CU	
	Upper story residential						P	P	P	P	L	P		P	CU	
	Assisted living homes (4)a	P	P	P	P	P	P	P	P	P	P	P		P	P	
Planned Residential	Cluster, mixed residential uses etc.	L	L	L	L	L					P			CU	CU	
Group Living	All group living, except as listed below				L	L	P	P	P	P	P	P		P	CU	
	Group home and Assisted living facility(5), 6 or fewer residents				CU	P	P	P	P	P	L	P		P	CU	
	Group home and Assisted living facility(5), 7 to 15 residents				CU	P	P	P	P	P	L	P		P	CU	
	Group home and Assisted living facility(5), 16 or more residents				CU	P	CU	CU	P	P	L	P		P	CU	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBD	PUD	M-1	RP	P	I
PUBLIC AND CIVIC USES																
Community Service	All community service						P	P	P	P	P	P		P	P	
Day Care	Family child care home, 5 or fewer	P	P	P	P	P	P	P	P			P		P	P	CU
	Large family child care home					P	P	P	P			P			P	CU
	Day care facility				CU	CU	P	P	P	P	L	P	L		P	CU
	Adult day care home (up to 6)					P	P	P	P	P	P	P			P	CU
	Adult day care facility (7 or more)				CU	CU	P	P	P			P			P	CU
Educational Facilities	College or university					CU	CU	P	P	P	P	P		P		P
	Day facility						P	P	P			P	P			P
	Elementary school			CU	CU	CU	CU	CU	P	P	CU	P		CU		P
	Middle school			CU	CU	CU	CU	CU	P	P	CU	P		CU		P
	High School			CU	CU	CU	CU	CU	P	P	CU	P		CU		P
	Vocational, trade or business school							P	P			P				P
Government Facilities	All government facilities, except as listed below				CU	CU	P	P	P	P	P	P	P	P	P	P
	Jail, prison, or work camp								CU		CU	P	CU		CU	
Medical Facilities	All major medical facilities (Hospitals, rehab centers etc.) except as listed below							CU	CU	P	CU	P		CU	P	P(1)
	Minor patient family accommodations						P	P	P	P	P	P		P	P	P
Parks and Open Areas	All parks and open areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P		P	
	Cemetery, columbaria, mausoleum, memorial park					CU	CU	CU	CU			P	CU		P	

Sec. 25-284 - LEESBURG CODE - ZONING

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBD	PUD	M-1	RP	P	I
PUBLIC AND CIVIC USES																
Passenger Terminals	All passenger terminals						CU	P	P			P	X		P	
Places of Worship	All places of worship	CU	CU	CU	L	L	P	P	P	P	CU	P		CU	CU	P
Social Service Institutions	All social service institutions, except as listed below						CU	CU	CU			P			P	
	Neighborhood resource center					CU	L	P	P			P	P		P	
Utilities	Major utilities		CU	CU	CU	CU	P	P	P	P	CU	P	P	P	P	
	Minor utilities		P	P	P	P	P	P	P	P	P	P	P	P	P	
	Off-site stormwater facility		CU	CU	CU	CU	P	P	P	P	CU	P	P	P	P	
	Transmission Tower (See Sec 25-771 et seq.)															

Sec. 25-284 - LEESBURG CODE - ZONING

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBD	PUD	M-1	RP	P	I
COMMERCIAL USES																
Indoor Recreation	All entertainment, except as listed below						CU	CU	CU			P			P	
	Bar						CU	CU	P	P	P	P	X		CU	
	Clubs and lodges						CU	P	P	P	P	P	X		CU	
	Entertainment, indoor					CU	CU	CU	CU	P	CU	P	P		CU	
	Firing, paintball or archery range, indoor						CU	CU	CU	P		P	CU		CU	
	Gymnastics facility, indoor sports academy						P	P	P	P	CU	P			CU	
Office	All offices						P	P	P	P	P	P	P	P	P	
	Building Trades and Contractors, administrative								P	P		P	P	P	P	
Outdoor Recreation	All recreation, except as listed below						CU	CU	CU			P	P		P	
	Circus grounds, winter quarters or training quarters											P	X		P	
	Community recreation facility						P	P	P	P	P	P	P		P	
	Dog or horse track, jai-alai fronton								CU	P		P	X		CU	
	Firing, paintball or archery range, outdoor											P	X	CU	I	
	Golf course, clubhouse, yacht club, tennis club, country club	CU	CU	CU	CU	CU			CU	P		P			P	
	Recreational vehicle park/campground									P		P			P	
	Riding academy or public stable	CU								P		P			P	
	Sports academy									P		P			P	
Parking, Commercial	Ground parking					CU	P	P	P	P	P	P	P	P	P	
	Parking structures						CU	CU	CU	P	P	P	P	P	P	

Sec. 25-284 - LEESBURG CODE - ZONING

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBD	PUD	M-1	RP	P	I
COMMERCIAL USES																
Personal Services	Beauty and barber salons, tanning, florist etc.						P	P	P	P	P	P			P	
Restaurants	All restaurants, except as listed below						P	P	P	P	P	P	P		P	
	Drive-thru (drive-in)						L	L	L	P	P	P	L		P	
Retail Sales and Service	All retail sales and service, except as listed below						P	P	P	P	P	P	L		P	
	Animal hospital, veterinary clinic, animal boarding enclosed						CU	CU	P	P		P		P	P	
	Convenience store with gas pumps, gas station						L	L	L	P	L	P	X		L	
	Convenience store without gas pumps						L	L	L	P	L	P	X		L	
	Drive-thru retail sales or service						L	L	L	P	L	P	X		L	
	Kennel, outdoor									P		P	X		L	
	Package store							P	P	P	CU	P	X		CU	
	General repairs (lawn mower, etc.)						L	P	P	P	L	P	P		L	
Self-Service Storage	All self-service storage (mini-storage)						L	L	P		P	P		L		
Transient Accommodations	All transient accommodations, except as listed below					P		CU	P	P	P	P	X		P	
	Bed and breakfast				CU	P	L	L	L	P	L	P			CU	
	Hotel, Motel etc.								P	P	P	P	X		P	

Sec. 25-284 - LEESBURG CODE - ZONING

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBD	PUD	M-1	RP	P	I
COMMERCIAL USES																
Vehicle Sales and Service	Car wash, full or self-service								P	P	CU	P	P		P	
	Truck stop								P	P		P	X		P	
	Vehicle sales, leasing or rental								CU	P	CU	P	P		P	
	Vehicle service, intensive								CU	P	CU	P	P		P	
	Vehicle service, limited							CU	P	P	CU	P	P		P	
Water-Oriented	Boat livery/marina							P	P	P	CU	P	X		P	
	Boat sales not accessory to boat livery								CU	P	CU	P	P		P	
	Dock, pier or wharf (commercial)								P	P		P	X		CU	

Sec. 25-284 - LEESBURG CODE - ZONING

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBO	PUD	M-1	RP	P	I
INDUSTRIAL USES																
Light Industrial Service	All light industrial service, except as listed below								CU	P	CU	P	P		CU	
	Adult Entertainment (See Sec 25-292)												CU		CU	
	Crematorium									P		P	CU		CU	
	Research laboratory without manufacturing facility							P	P	P		P	P		P	
Open Storage	All Open Storage								L	L		P	P		L	
Warehouse and Freight Movement	All warehouse and freight movement, except as listed below								CU	P			P		P	
	Warehouse, storage without flammable liquids								CU	P		L	P		P	
	Stockpiling									P			CU		P	
Waste-Related Service	All waste-related services									P			CU		CU	
	Recycling equipment and facilities									P			CU		P	
Wholesale Trade	All wholesale trade								P	P		P	P		P	
Heavy Industrial	All heavy industrial									P		P	CU		CU	

(B) *Industrial use categories.*

a. *Light industrial service.*

TABLE INSET:

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not Included
Adult entertainment Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Bulk mailing service Catering establishment, largescale Clothing or textile manufacturing, manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, printing, publishing, and lithography, production of artwork and toys, sign-making Crematorium Janitorial and building maintenance service, exterminator, maintenance yard or facility Laundry, dry-cleaning, and carpet cleaning plants Mini-warehouses	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Employee recreational facility Off-street parking On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site	Borrow pit, mining (see Resource Extraction) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not Included
Movie production facility Photo-finishing laboratory (Repair of scientific or professional instruments, electric motors Research, testing, and development laboratory Sheet metal shop Soft drink bottling Storage area used for manufacturing Welding, machine, tool repair shop Woodworking, including cabinet makers and furniture manufacturing		

b. Warehouse and freight movement.

TABLE INSET:

Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.		
Principal Uses	Accessory Uses	Uses Not Included
Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Commercial packing for fruits and vegetables Outdoor storage yard Parcel services Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Ancillary indoor storage Associated office Cafeteria Day care Employee recreational facility Off-street parking Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage) Solid or liquid waste transfer or composting (see Waste-Related Service)

c. Waste-related service.

TABLE INSET:

Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses Not Included
Animal waste processing Landfill Manufacture and production of goods from composting organic material Recyclable material storage, including construction material Recycling Facility Solid or liquid waste transfer or composting	Ancillary indoor storage Associated office Off-street parking On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction)

d. Wholesale trade.

TABLE INSET:

Characteristics: Firms involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.		
Principal Uses	Accessory Uses	Uses Not Included
Mail-order house Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Water softening, commercial Wholesale of food, clothing, auto parts, and building hardware	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Minor fabrication services Off-street parking Product repair Repackaging of goods Residential unit for security purposes (single unit) Showroom Warehouse	Store selling, leasing, or renting consumer, home or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

e. Heavy industrial.

TABLE INSET:

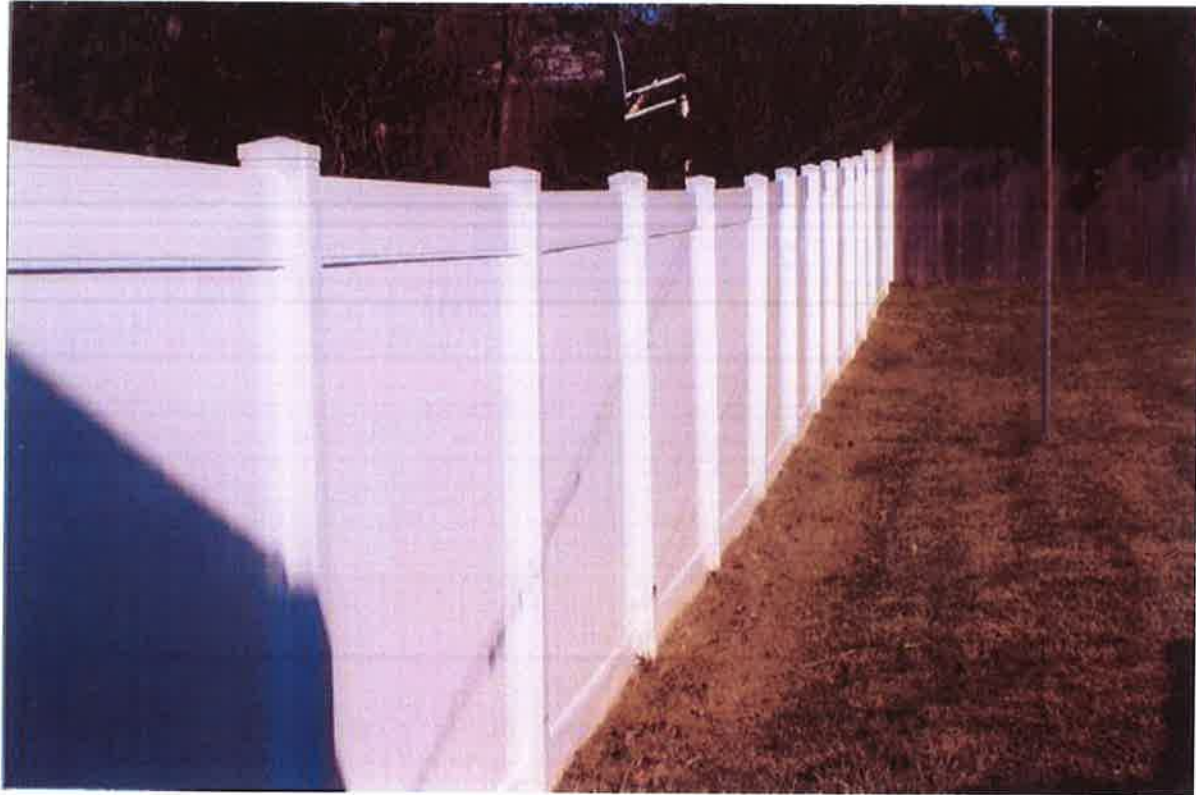
Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited		
Principal Uses	Accessory Uses	Uses Not Included
Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause Animal processing, packing, treating, and storage, livestock or poultry slaughtering, citrus concentrate plant, processing of food and related products, production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill Bulk storage of flammable liquids Commercial feed lot Concrete batching and asphalt processing and manufacture Earth moving and heavy construction equipment Wrecking, junk or salvage yard	Ancillary office Associated office Cafeteria Off-street parking Product repair Repackaging of goods Warehouse, storage	Animal waste processing (see Waste-Related Service) Extraction of phosphate or minerals (Resource Extraction) Extraction of sand or gravel, borrow pit (Resource Extraction) Mining (see Resource Extraction) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Store selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service)



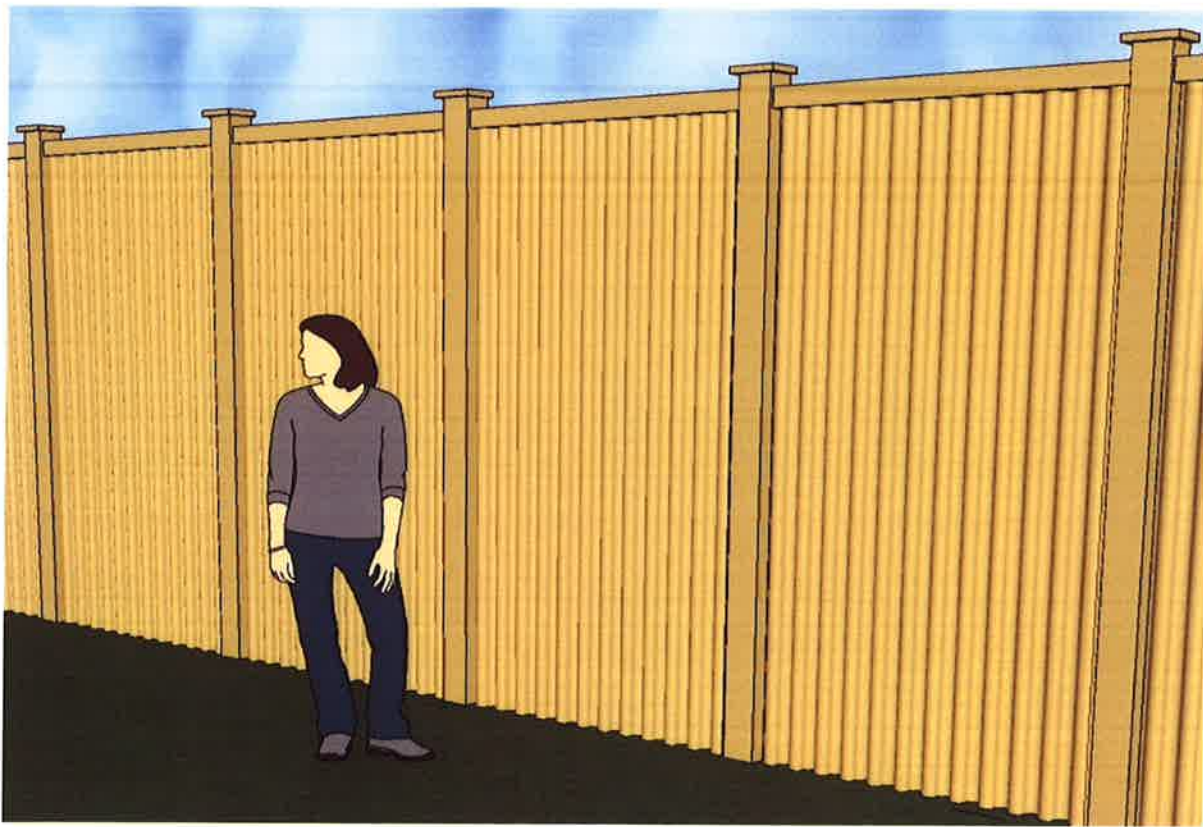
EIGHT FOOT HIGH SOLID DECORATIVE FENCE
PHASE I

EXHIBIT E

PVC



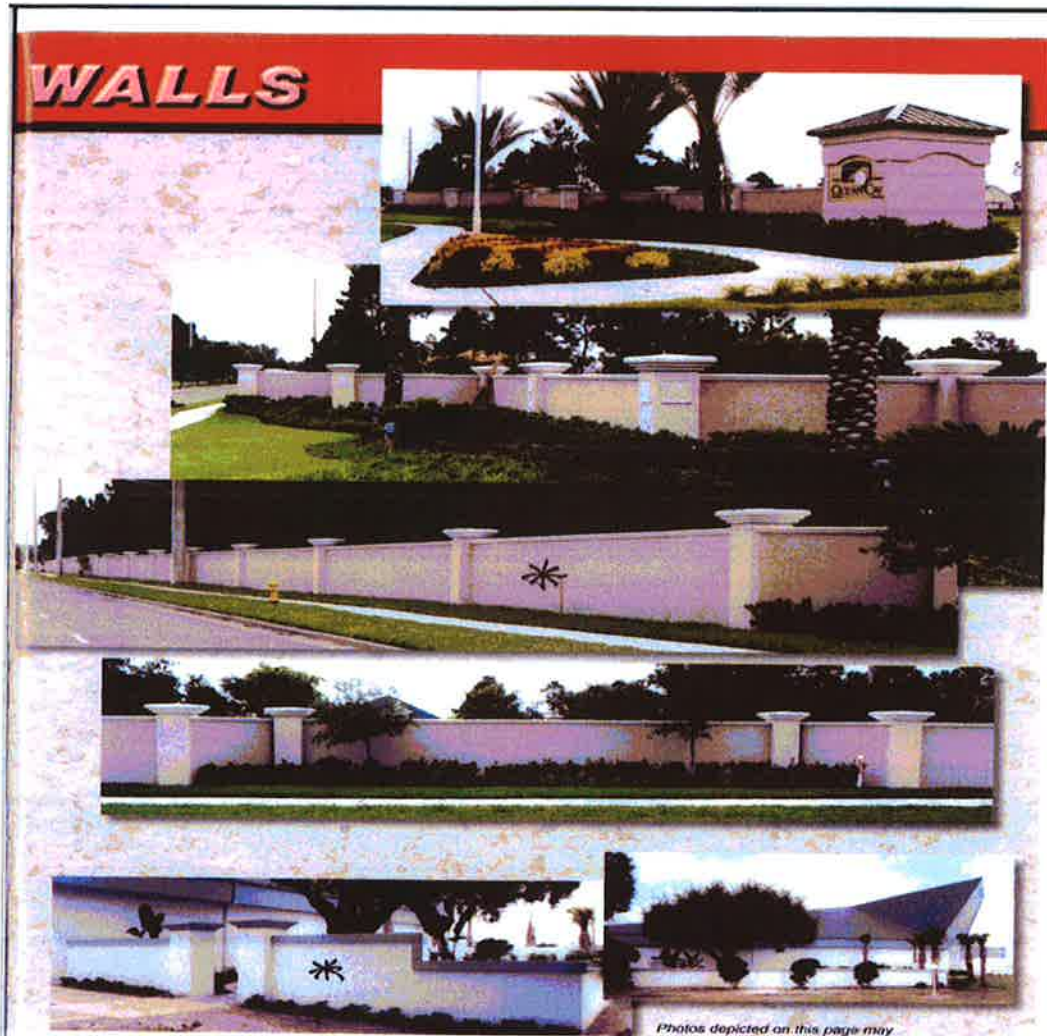
OR



FIBERGLASS

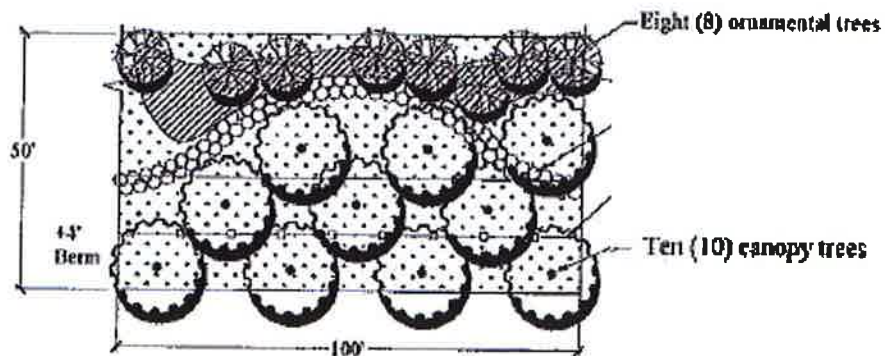
**EIGHT FOOT HIGH SOLID DECORATIVE WALL
PHASE II**

EXHIBIT F



Eight (8) foot high solid decorative wall with decorative posts and wall caps with shrubs on south side of wall

LANDSCAPE BUFFER
PHASE II



Landscape Buffer E
Fifty (50) feet width option



TECHNICAL MEMORANDUM

Recyclable 100, Inc. Project

Date: January 13, 2011
Prepared by: Pamela Richmond, AICP
 MPO Project Manager
Purpose: The purpose of this technical memorandum is to explicate the impacts of the Recyclable 100, Inc. Project to the surrounding roadway network.

The Recyclable 100, Inc. Project is located on the west side of Haywood Worm Farm Road about ¼ miles south of Rogers Industrial Park Road in unincorporated Lake County. The site is 11.5 acres in area with a zoning designation of industrial and is fully entitled to develop as such. The proposed development plan is to construct an aggregate coloring facility in two phases, with build-out anticipated no sooner than 2012. Build-out will occur when economic conditions and product demand create a need for additional facility capacity. This is an existing developed, non-operating site that is in the process of being activated as a site to relocate their current business in the City of Apopka. The City of Leesburg is considering annexing the property into the City limits.

Traffic generated by the site will be heavy trucks and automobiles. Trucks entering and exiting the site is expected occur between 7:00 A.M. and 5:00 P.M., Monday through Friday, but typically not past 3:00 P.M. The facility's size limits the number of trucks it is capable of servicing simultaneously to two. When Phase 1 is fully functional, no more than three trucks and four employees will enter and exit the site each weekday. At Phase 2 build-out, the facility will be capable of servicing a maximum of ten trucks per day and employ as many as 12 full time workers.

The Lake~Sumter MPO adopted a methodology for the preparation of a Traffic Impact Study (TIS). These guidelines establish minimum standards for all TIS reports, in order to provide a clear, orderly and consistent basis on which traffic impacts are to be evaluated. The level of detail and type of TIS for each project is dependent on the number of net new peak-hour trips generated. Projects that generate 0-25 net new peak hour trips do not require a full TIS and the applicant may submit a request for exemption from full traffic analysis letter. The following information provides the information that are required by the adopted methodology for this level of analysis.

Trip Generation

Trip generation of the facility will consist of heavy trucks and employee automobiles. For the purposes of this document, an analysis of the build-out scenario for P.M. peak hour conditions will be conducted.

The facility will be able to service a maximum of ten trucks per day. At that capacity, it will be supported by a maximum number of 12 employees.

▪ P.M. Peak Hour Trip Generation

Trucks 10/day with 10% occurring between 4:00 P.M. and 6:00 P.M.
 $10 \text{ truck} \times 2 \text{ trips (1 entering 1 exiting trip)} \times 10\%$
 $= 2 \text{ trips (1 entering 1 exiting trip)}$

Employees 12 @ a rate of 1.49 occurring between 4:00 p.m. and 6:00 p.m.,
 17% entering 83 % exiting

(Source: ITE Trip Generation, 8th edition, LUC 710)
 $= 18 \text{ trips (3 entering 15 exiting trips)}$

Trip Distribution/Assignment

An estimated distribution pattern was determined for the trips to be generated in consultation with the Owner/Operator of the facility. The project trips were then assigned to the roadway segments surrounding the site. The results are shown in the table below and can be summarized as follows:

- Trips generated by this facility under the maximum development/worst case scenario will have a relatively low impact.
- A comparison of each segment's available capacity to the project trips assigned to each segment shows sufficient capacity exists to accommodate all traffic generated by this project and the project meets concurrency requirements.
- The level of impact meets the state's criteria of de minimis impact defined as "an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government." (Section 163.3180(6), F.S) De Minimis impacts are considered inconsequential and do not require mitigation as long as the impacted roadway segment is operating below 110% of capacity or volume to capacity ratio (v/c) of 1.10. As shown in the table, no impacted roadways are near capacity.

Roadway	From	To	Num Lanes	LOS Std.	LOS Cap.	Existing + Committed					Trip Distrib.	Project Trips	% of LOS Cap.	De Minimis ?
						EB/ NB	WB/ SB	TTL	V/C Ratio	Available Capacity				
US 27/SR 25	CR 33	CR 48	4	D	1,960	1,126	1,438	2,564	0.73	522	15%	3	0.1301%	Y
US 27/SR 25	CR 48	PLANTATION BLVD	4	D	1,960	714	907	1,621	0.46	1,053	25%	4	0.2168%	Y
C.R. 33	US 27	CR 48 (NORTH)	2	D	880	70	61	131	0.08	810	0%	0	0.0000%	Y
C.R. 33	CR 48 (NORTH)	CR 48/LEESBURG HWY	2	D	1,140	266	333	599	0.29	807	5%	1	0.0746%	Y
C.R. 33	CR 48/LEESBURG HWY	BRIDGES ROAD	2	D	1,120	105	213	318	0.19	907	10%	2	0.1518%	Y
C.R. 48	SUMTER COUNTY LINE	CR 33	2	D	720	69	124	193	0.17	596	10%	2	0.2361%	Y
C.R. 48	CR 33	US 27	2	D	792	250	332	582	0.42	460	45%	8	0.9659%	Y
C.R. 48	US 27	LIME AVENUE	2	D	792	449	408	857	0.57	343	5%	1	0.1073%	Y
C.R. 48	LIME AVENUE	SR 19	2	D	720	371	425	796	0.59	295	10%	2	0.2361%	Y
C.R. 470	SUMTER COUNTY LINE	BAY AVENUE	2	D	720	305	360	665	0.50	360	15%	3	0.3542%	Y
C.R. 470	BAY AVENUE	CR 33	2	D	792	305	360	665	0.45	432	15%	3	0.3220%	Y

Data Source: **LAKE COUNTY TMS SEGMENT REPORT - May 19, 2010**

Note: The Lake~Sumter Metropolitan Planning Organization (MPO) is the designated administrator of the transportation management systems (TMS) for concurrency for Lake and Sumter Counties and their respective municipalities. As such, the MPO maintains a centralized database with the most current traffic data available.

Quietly Making Noise, LLC

Acoustical Consulting and Noise Control

January 13, 2011

Mr. Christian Miller
Consolidated Minerals, Incorporated
1616 South 14th Street
Leesburg, FL 34749

Subject: Recyclable 100 Facility

Dear Christian:

Quietly Making Noise, LLC (QMN) was contracted by Recyclable 100, Incorporated to measure the existing background ambient sound levels and complete an acoustical evaluation for the proposed facility at 26825 Haywood Worm Farm Road in Okahumpka, Florida. The objective of the study was to assess the potential for noise impacts of the facility on the nearby residential neighborhood.

Description of the Facility

The new facility will be used for manufacturing specialty aggregate materials, such as swimming pool finishes. Most of the manufacturing equipment will be located inside buildings on the facility site. There will be a truck loading and unloading area outdoors, along with conveyors and storage silos. The facility's southernmost property boundary is located approximately 60 feet north of the nearest residential properties located on White Plains Way in the Arlington Ridge subdivision. There is a 50 foot wide landscape buffer required along the southern boundary of the site. Therefore, the closest buildings or equipment will be 110 feet from the residential property boundaries, and the closest truck driveway is approximately 250 feet away.

Existing Background Ambient Sound Levels

During the background ambient sound level testing, the dominant noise source in the area was observed to be the Covanta recycling plant located immediately north of the proposed Recyclable 100 facility. The major noise sources at the Covanta plant are believed to be boilers, truck loading and unloading, and trucks entering and leaving the plant. The sound levels from Covanta were an average of 57 dB(A) on the proposed Recyclable 100 site and 53 dB(A) along the southern property boundary immediately adjacent to White Plains Way. Please refer to Appendix 1 for more details regarding the background ambient sound level test.

4521 Old Carriage Trail – Oviedo, Florida 32765

Phone: (407) 681-7444 (681-SHSH)

Fax: (407) 682-7444 (682-SHSH)

www.quietlymakingnoise.com

Member, Institute of Noise Control Engineers and National Council of Acoustical Consultants

Applicable Requirements

QMN understands that the facility is currently located in unincorporated Lake County but may be annexed to the City of Leesburg in the future. Depending upon the final jurisdiction, the following noise ordinance requirements may apply:

City of Leesburg

Section 12-19 of the Code of Ordinances of the City of Leesburg states that the following condition is considered a public nuisance:

“(a)(6) On more than four occasions within a 6 month period as the subject of citizen complaints regarding excessive noise, including music or musical instruments producing sufficient volume to be heard inside any residential structure more than 100 feet away from the site, with the windows closed; and raucous outdoor gatherings such as crowds assembled in a public or private parking lot (excluding any music or outdoor gatherings for which a special events permit has been issued under this Code).”

This section does not appear to apply to industrial facilities, such as the Recyclable 100 plant. However, it is included herein because the City Planning Director pointed out this code section to Mr. Greg Beliveau, LPG Urban & Regional Planners, Inc. during a meeting about the project conceptual plan.

Based upon other research, it appears that there are no other City of Leesburg noise ordinances or requirements.

Lake County

The requirements applicable to projects located in unincorporated Lake County are codified in the Lake County Noise Control Ordinance in Chapter 14, Article II of the Lake County, Florida Codification. Section 14-34 states the following:

“No person shall create, continue or cause to be created any excessive noise audible to persons within the unincorporated areas of Lake County, Florida. Excessive noise shall mean a noise that is:

- (1) Of such amount or of such duration, wave frequency or intensity as may be or is injurious to human or animal life or property;
- (2) Of such amount, level, duration or character as to annoy, disturb, injure or unreasonably interfere with or endanger the health, peace or comfortable enjoyment of life, property or the conduct of business; or
- (3) Of such character and in such quantity or level as to be detectible by a considerable number of persons or the public, so as to interfere with such persons or the public health, repose or safety, or to cause severe annoyance or discomfort; or which interferes with the normal conduct of business, or is otherwise detrimental or harmful to the health, comfort, living conditions, welfare, and safety of the inhabitants of the county.

- (4) The definition of "noise disturbance" includes sounds that are created within a municipality or county other than Lake County, but which are detected within the unincorporated boundaries of Lake County, Florida."

"Factors to be considered in determining whether such noise is excessive include, but are not limited to the level of the noise, whether the origin of the noise is natural or unnatural, the nature of the zoning of the area from which the noise emanates and the area of where it is received, the proximity of the noise to sleeping facilities, the time of day or night the noise occurs, the duration of the noise and whether the noise is recurrent, intermittent or constant."

In Section 14-37, the sounds coming from motor vehicles are noted as being exempt from the noise ordinance since they are regulated by Florida Statutes.

Both of these regulations are subjective in nature and do not place specific sound level limits on noise sources. This makes it more difficult to design a facility and to determine compliance after the facility is operating. However, generally accepted industry recommendations can be used to establish target sound levels. For residential areas, most noise ordinance that include specific limits allow 55 to 60 dB(A) during day time hours and 50 to 55 dB(A) at night, when measured at a residential property boundary. The current existing background ambient sound level was observed to be 53 dB(A) at the southernmost property boundary of the Recyclable 100 facility. Therefore, an objective to provide site boundary sound levels in mid to upper 50's seems reasonable for this project since it would be similar to the current sound levels and consistent with typical residential sound level noise ordinance limits.

As a general rule of thumb, an increase of 3 dB(A) is required for a person with normal hearing sensitivity to sense that the sound level has increased. An increase of 5-6 dB(A) is considered a significant change, and an increase of 10 dB(A) is normally perceived as being "twice as loud".

Summary of Acoustical Modeling Results and Recommendations

Although the design of the facility is preliminary, acoustical modeling has been completed to estimate sound levels, considering potential noise sources on the site, distances, ground absorption, air absorption, barriers, and other factors. Please refer to Appendix 2 for more details regarding the acoustical modeling.

The following upgrades are expected to be necessary, based upon this initial study:

1. Design and construct the walls of the buildings using a minimum 10 gage metal skin and a minimum of 3 inches of insulation. Alternatively, the outer wall could be a thinner gage metal, such as 22 gage, lined with an acoustical barrier or blanket material and insulation. Please note that the existing building walls are constructed using concrete and metal siding up to an elevation of approximately 10 feet and insulated metal panels above. This design should be acceptable for the proposed facility equipment and may also be used as the design of any new buildings. Final building design details for both new and existing buildings will be determined in the detailed design phase of the project.

2. Install acoustical louvers on all ventilation openings along the south, east, and west walls of the new building. Assess the existing building to determine whether acoustical louvers are required.
3. Construct an acoustical barrier wall to block the line of sight between the truck driveway and the residences along White Plains Way. Alternatively, locate the facility buildings to provide this acoustical barrier. The wall or building must be at least as high as the truck engine exhaust outlets. The barrier will reduce the noise from the engine exhausts as well as any backup alarm signals.
4. Install silencers or shields on each silo blower and bin vent.
5. Locate all other noisy equipment either inside the buildings or on the north sides of the buildings so that the line of sight is blocked between the equipment and the residences along White Plains Way.

QMN is available to provide material specifications for these recommendations during the detailed design phase of this project.

Conclusions

The acoustical modeling has shown that the overall facility sound level is expected to be reduced to levels similar to the existing background ambient, after implementation of the recommended upgrades. The new buildings associated with the Recyclable 100 facility may provide some acoustical shielding to reduce noise from trucks at the Covanta plant, for some residences along White Plains Way.

Please let me know if you need any additional information.

Sincerely,



Lisa A. Schott
President and Principal Acoustical Consultant
Member, NCAC, INCE, ASA

Attachments

Appendix 1. Background Ambient Sound Level Test

Background ambient sound level testing was performed at the proposed site of the Recyclable 100 facility on January 5, 2011. The test method is described below, and the measured sound levels are shown in Figure A1.1.

Overview

Sound levels were measured at several locations over a 2 hour period on a weekday morning on the facility site and at the southernmost site boundary which is immediately adjacent to the nearest residential neighborhood. White Plains Way is the road immediately south of the project site, and there are several single family homes located along White Plains Way. The dominant noise source at all test locations was the Covanta recycling plant which is located immediately north of the proposed Recyclable 100 facility site.

The objective of the background ambient sound level test was to assess the existing sound levels in the area and use this information in the acoustical modeling to determine the potential for noise impacts of the facility on the nearby residential neighborhood.

Test Equipment

The following equipment was used during the test:

- One (1) Norsonic Type 118 and one (1) Norsonic Type 140 sound level meter, each equipped with Norsonic 1225 one-half inch microphones. These meters meet the requirements for Type 1 sound level meters according to the latest revision of ANSI S1.4 [1].
- One (1) Norsonic 1251 hand-held calibrator

Current laboratory calibration certificates of conformance for the sound level meters, microphones, and calibrator are on file at the QMN office and are available upon request. On-site calibrations using the hand held calibrator were performed before and after the test. The results of the calibrations varied by 0.1 and 0.2 decibels on the two meters and were therefore within the generally accepted allowable tolerance of ± 1.0 decibels.

Test Conditions

Testing was conducted from 8:00 to 10:15 AM on Wednesday, January 5, 2011. Environmental conditions during the test were favorable, with temperatures in the low 60's, calm winds, and no precipitation.

Test Locations

Sound levels were measured continuously for 15 minute periods at each of nine (9) locations on the proposed facility site. Two (2) of the locations were near the center of the site and seven (7) were located along the southern site boundary, immediately adjacent to White Plains Way. Please refer to Figure A1.1.

Summary of Results

The average sound level on the project site was 57 dB(A), and the average sound level along the southern site boundary was 53 dB(A). As mentioned previously, the dominant noise source at all test locations was the Covanta recycling plant. The major noise sources seemed to be the facility boilers, truck loading and unloading, and trucks entering and leaving the Covanta site.

Reference

1. ANSI S1.4 – 1983, "Specification for Sound Level Meters".

Figure A1.1 Existing Background Ambient Sound Levels



Conceptual Development Plan For:

Recyclable 100, Inc.
Leesburg, Florida



Appendix 2. Acoustical Modeling

Acoustical modeling of the proposed Recyclable 100 facility was completed. The objective of the study was to assess the potential for noise impacts of the facility on the nearby residential neighborhood and develop recommendations for noise mitigation measures that can be incorporated into the project design, if necessary.

Available Data and Information

Since the facility is in the early planning stages, limited technical data was available. Therefore, certain assumptions have been made to facilitate the preliminary acoustical modeling. The following data and information was provided to QMN by Recyclable 100, Incorporated and reviewed as part of this analysis.

1. Aerial photograph of the site, showing the site boundaries, setback requirements, and nearest residences.
2. Site plan drawing, showing the location of buildings and equipment for the proposed facility.
3. List of equipment that will be included in the proposed facility.

Summary of Calculations

An acoustical model was created, considering the locations of the equipment and buildings, distances to the southern site boundary and nearest residences, environmental factors, and other considerations.

Since much of the facility equipment has not yet been sized, specific manufacturer data was not available. QMN utilized textbook references and database information from testing at similar facilities to develop the expected source sound levels. Calculations were performed to estimate the sound levels at the property boundary, and noise mitigation measures were applied to reduce the sound levels to acceptable levels. Please see the report for a discussion of applicable requirements and generally accepted industry recommendations.

Key information and assumptions used in the acoustical modeling are summarized in Table A2.1. The model can be refined as the design evolves and more information becomes available.

Table A2.1. Summary of Acoustical Modeling

	Octave Band Center Frequency, Hertz								
	63	125	250	500	1000	2000	4000	8000	dB(A)
Source Sound Levels – Proposed Facility Equipment									
Truck at 15 meters (each), SPL*	90	87	85	82	78	75	71	67	84
Exterior Building SPL	104	85	74	63	55	55	58	53	79
Silo Blower SPL (each)	83	84	85	85	85	83	79	78	90

Table A2.1 (continued). Summary of Acoustical Modeling

	Octave Band Center Frequency, Hertz								dB(A)
	63	125	250	500	1000	2000	4000	8000	
Source Sound Levels – Proposed Facility Equipment (continued)									
Silo Bin Vent SPL (each)	101	97	89	86	86	82	85	85	92
Conveyor SPL (each)	90	86	84	82	79	77	75	90	90
Distances from Equipment to South Site Boundary									
Closest truck approach, feet	200								
Building, feet	50								
Silo Blowers (average distance), feet	100								
Silo Bin Vents (average distance), feet	100								
Conveyor, feet	310								
Estimated Site Boundary Sound Levels									
Facility with No Noise Mitigation	80	76	73	70	67	63	60	59	72
Facility After Implementation of Noise Mitigation	74	60	52	49	47	44	42	47	54

* SPL = Sound Pressure Level, in deciBels referenced to 20 microPascals

The above calculations represent estimates and should be updated as more information becomes available about the facility design and equipment.

Please refer to the report for a list of recommended noise mitigation measures based upon the acoustical modeling. The recommendations utilize standard noise control technologies that have been successfully implemented on many industrial projects.

Section 12 – 19. Regulation of Public Nuisances.

- (a) As used in this Section, the term “public nuisance” shall mean any residential building, place of commercial business or other property that has been used as or has been the location of:
1. On more than two occasions within a 6 month period as the site of a violation of Chapter 796, Fla. Stat. (prohibiting acts of prostitution);
 2. On more than two occasions within a 6 month period as the site of the unlawful sale, delivery, manufacture or cultivation of any controlled substance;
 3. On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and the same premises have been adjudicated under this Ordinances as having been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
 4. On more than two occasions within a 6 month period as the site of a violation of §812.019, Fla. Stat. related to dealing in stolen property;
 5. On more than two occasions within a 6 month period as the location of a public altercation including but not limited to any physical or sexual assault, battery, non – accidental gunshot injury or stabbing injury, or any fight involving a criminal gang, criminal gang member or criminal gang associate, or hate group, all as defined in §874.03, Fla. Stat.
 6. On more than four occasions within a 6 month period as the subject of citizen complaints regarding excessive noise, including music or musical instruments producing sufficient volume to be heard inside any residential structure more than 100 feet away from the site, with the windows closed; and raucous outdoor gatherings such as crowds assembled in a public or private parking lot (excluding any music or outdoor gatherings for which a special events permit has been issued under this Code).
- (b) Any residential building, commercial business or other property determined in the enforcement process set forth below to have met any of the conditions enumerated in subsection (1) of this Ordinance may be declared to be a public nuisance, and the owner or tenant thereof, or both when evidence so justifies, may be subjected to the penalties specified in this Ordinance.
- (c) This Ordinance shall be enforced by the Special Magistrate designated by the City to hear Code Enforcement cases, utilizing the procedures set forth below.
- (d) A complaint against an alleged public nuisance may be initiated by any Code Enforcement Officer or Police Officer of the City of Leesburg, by the Building Official, by the Community Development Department, or by any citizen. The procedure for the filing and processing of a complaint is as follows:

1. All complaints shall be in writing and under oath, and shall contain the name and mailing address of the complainant (for complaints initiated by any City employee that shall be the address of the City); the name and address of the commercial business or the address of the residential structure which is the subject of the complaint; the name and address of the property owner (and if not owner – occupied, the name and address of the tenant) of the premises which are the subject of the complaint, if known; and a detailed description of the facts which the complainant believes justify a determination that the premises constitute a public nuisance under this Ordinance.
2. Once a complaint is filed, the City Manager or his designee shall review the complaint to determine that it is sufficient on its face to allege properly the existence of a public nuisance under this Ordinance. If the complaint is deemed sufficient on its face, the City shall investigate the premises to determine the name and address of the property owner and tenant. For the property owner, the information on the Lake County Property Appraiser's records shall be considered prima facie evidence of the name and mailing
3. After the complaint is deemed sufficient on its face and the name and address of the property owner and tenant, if any, have been determined, the complaint shall be set for hearing before the Special Magistrate. The property owner and tenant, if any, shall be given written notice by both certified mail, return receipt requested, and regular first class mail, and by posting at the premises, not less than 15 calendar days prior to the scheduled hearing date, informing them of the filing of the complaint, the facts alleged as a basis for the allegation that the premises constitute a public nuisance, and of the date, time and location of the public hearing. The notice shall also inform the tenant and property owner that to prosecute any appeal of the Special Magistrate's decision will require a verbatim record of the hearing which the City does not provide and that it will be the responsibility of the property owner or tenant to provide for that verbatim record of the proceedings. A copy of this Ordinance shall be included in each notice. Due to the serious nature of the penalties which may be imposed hereunder, constructive notice by publication or posting alone may not be the basis for a public hearing under this Ordinance. However, the City may in its sole discretion serve a tenant or property owner personally by hand delivery, PROVIDED that service by hand delivery shall not eliminate the need to serve the notice by certified mail, regular mail and posting at the premises.

- (e) A public hearing on the complaint shall be held at the date and time set forth in the notice to the property owner and tenant. A property owner or tenant may request one postponement of the public hearing for not more than 30 days, for good cause, which request shall be granted by the Special Magistrate in the absence of a showing by the City or the complainant that the postponement will prejudice them in any way.
- (f) At the public hearing, all testimony shall be given under oath. Strict rules of evidence shall not apply but the Special Magistrate may take into account the persuasive value of evidence such as hearsay which would be inadmissible in a court of law. The City or citizen complainant shall proceed first, to present the evidence in support of the assertion that the property in question constitutes a public nuisance. The property owner, and tenant if any, shall then be entitled to present evidence in defense of the proposition that the property does not constitute a public nuisance. Each party may cross examine the witnesses of the other. Documentary evidence may be presented, however the Special Magistrate shall have discretion to reject or give lesser weight to any documentary evidence which is inadmissible in a court of law, such as hearsay or documents which are not properly authenticated. Following the presentations by the City or citizen complainant, the property owner and tenant, members of the general public in attendance may be allowed to speak under oath at the discretion of the Special Magistrate, provided that anyone speaking shall be subject to cross examination by the City or citizen complainant, the property owner and the tenant.
- (g) At the conclusion of the public hearing, the Special Magistrate shall announce a determination whether, based on the testimony and evidence presented, the property constitutes a public nuisance under this Ordinance. If a nuisance is determined to exist, and the property is occupied by a tenant, the order shall specify whether the nuisance is attributable solely to the acts or failure to act of the tenant, or whether the property owner is also complicit in the nuisance.
- (h) If the property is found to be a public nuisance, the Special Magistrate may impose any of the following penalties and sanctions:
 - (1) Fines of up to \$250.00 per day for each day the property is determined to have been operated as a public nuisance; provided that if the property has been determined to be a public nuisance in an earlier proceeding under this Ordinance then the fine may be up to \$500.00 per day for a recurring public nuisance, and provided further that the total fines imposed under this Ordinance on any parcel shall not exceed \$15,000.00;
 - (2) Entry of an order requiring the property owner to adopt such rules and procedures as may be appropriate under the circumstances to abate the nuisance;
 - (3) Entry of an order with a duration determined by the Special Magistrate, not to exceed one year, prohibiting the conduct which is found to have constituted a public nuisance and reserving jurisdiction over the property to the Special Magistrate for a period up to one year;

- (4) Imposition of an additional monetary penalty equal to the reasonable costs and reasonable attorneys' fees incurred by the City in the investigation of the public nuisance and the prosecution of the proceedings under this Ordinance leading to the determination of public nuisance;
- (5) For the third determination of public nuisance under this Ordinance on the same property within any one year period, the Special Magistrate may issue an order with a duration not to exceed one year, prohibiting the operation of the premises including closure of the place or premises or any part thereof, and the conduct, operation or maintenance of any business or activity on the premises which is conducive to the activities found to constitute a public nuisance;
- (6) Requiring the recordation in the Public Records of Lake County, Florida of the order finding the existence of a public nuisance in order to provide notice to subsequent purchasers, successors in interest, or assigns of the real property that it is subject to the order;
- (7) Requiring the recordation of the order imposing any fines or monetary penalties as a lien against the real property in question, and providing for the foreclosure of such lien and recovery of all costs, including reasonable attorneys' fees, incurred in the foreclosure process.

Copies of all orders entered under this Ordinance shall be served on the parties in the same manner provided herein for service of notice of the public hearing. Notwithstanding anything to the contrary in this Ordinance, the penalties provided for under subsections (1), (4), (5), and (7) above shall not be levied against an owner of real property if the nuisance found to exist is due solely to the acts of a tenant in the property in which the property owner is found not to have been complicit, and the property owner evicts the tenant within 90 days after notification of entry of an order finding the existence of a public nuisance attributable solely to the acts or failure to act of the tenant.

- (i) Any party aggrieved by the decision of the Special Magistrate may initiate an appeal of the decision to the Circuit Court in Lake County, Florida, by filing a notice of appeal with the City Manager which is received by the City Manager no later than 30 days after entry of the order being appealed. The appeal shall be governed by the Florida Rules of Appellate Procedure in all respects. No appeal shall act as a stay of the order under appeal unless the appellant seeks a stay of the order from the Circuit Court and files a supersedeas bond in the amount determined by the Circuit Court.

- (j) This Ordinance is intended to be a supplemental and non – exclusive method of adjudicating and penalizing public nuisances. Its enactment shall not be construed to limit the rights of the City of Leesburg or any citizen to proceed against an alleged public nuisance in any other manner permitted by law or in equity including seeking declaratory or injunctive relief, including but not limited to proceeding under §60.05, Fla. Stat.